

Message Text

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PAGE 01 MANILA 11535 040725Z

21

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C O N F I D E N T I A L MANILA 11535

E.O. 11652: GDS

TAGS: OVIP (ROBINSON, CHARLES W.)

SUBJECT: VISIT OF DEPSEC ROBINSON: BRIEFING PAPERS - SPRATLY
ISLANDS AND REED BANK

REF: (A) MANILA 11494, (B) MANILA 11529

1. AS INDICATED REFTELS, STATUS OF SPRATLY ISLANDS AND REED BANK WILL BE OF CENTRAL INTEREST TO YOUR FILIPINO INTERLOCUTORS WHEN YOU MEET THEM AUGUST 6. THEY WILL DOUBTLESS SEEK TO JUSTIFY THEIR TERRITORIAL CLAIMS IN THOSE AREAS.

2. SPRATLY ISSUE IS RELATIVELY SIMPLE PROBLEM. PHIL CLAIMS ARE BASED ON NUMBER OF DIFFERENT THEORIES AND OUR GENERAL DISPOSITION IS TO LISTEN TO THEM, REFRAIN FROM EVALUATING THEM, AND MERELY POINT OUT THAT THERE ARE CONFLICTING CLAIMS BY OTHER NATIONS ALSO BASED ON PALPABLE RATIONALES. WE THEN AFFIRM THAT WE WILL TAKE NO ACTION TO PREJUDICE PHILIPPINE CLAIM, WHILE MAINTAINING OUR POSITION THAT ISLANDS ARE "DISPUTED TERRITORY."

3. AS FOR REED BANK, THE PROBLEM IS SOMEWHAT DIFFERENT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 11535 040725Z

THE BANK IS A SHOAL AREA, WHICH HAS LIMITED OUTCROPPINGS

AT LOW TIDE, BUT WHICH IS GENERALLY SUBAQUEOUS. THE PHILIPPINE CLAIM IS BASED ON AN INTERPRETATION OF THE 1958 CONVENTION ON THE CONTINENTAL SHELF WHICH WE REGARD AS FALLACIOUS.

4. THE PERTINENT ARTICLE OF THE CONVENTION READS AS FOLLOWS: "FOR THE PURPOSE OF THESE ARTICLES, THE TERM 'CONTINENTAL SHELF' IS USED AS REFERRING (A) TO THE SEABED AND SUBSOIL OF THE SUBMARINE AREAS ADJACENT TO THE COAST BUT OUTSIDE THE AREA OF THE TERRITORIAL SEA, TO A DEPTH OF 200 METERS OR, BEYOND THAT LIMIT, TO WHERE THE DEPTH OF THE SUPERJACENT WATERS ADMITS OF THE EXPLOITATION OF THE NATURAL RESOURCES OF THE SAID AREAS; (B) TO THE SEABED AND SUBSOIL OF SIMILAR SUBMARINE AREAS ADJACENT TO THE COASTS OF ISLANDS."

5. IT SEEMS CLEAR THAT THE WORDS "OR BEYOND THAT LIMIT" IMPLY CONTINUITY IN THE EXPLOITABLE QUALITY OF THE SHELF. ANY MAJOR INTERRUPTION IN THE SHELF WHICH OCCURS IN THE FORM OF A TRENCH OR A DEEP WOULD SEEM TO US TO MARK THE EDGE OF THE SHELF.

6. THERE IS A CONTINENTAL SHELF WHICH EXTENDS WESTWARD FROM THE PHILIPPINE ISLAND OF PALAWAN. IT TERMINATES IN THE PALAWAN TRENCH, WHICH REACHES A DEPTH OF OVER 1600 METERS ON A STRAIGHT LINE DRAWN BETWEEN THE NEAREST PHILIPPINE LAND MASS ON PALAWAN AND THE AREA KNOWN AS REED BANK TO THE WEST OF THE TRENCH. THERE HAS BEEN NO KNOWN ATTEMPT TO "EXPLOIT THE NATURAL RESOURCES" OF THE SEABED IN THE PALAWAN TRENCH AND AS FAR AS WE KNOW, THE PHILIPPINES DOESN'T EVEN CLAIM THAT THEY ARE EXPLOITABLE.

7. THE FILIPINOS MERELY IGNORE THE TRENCH, AND SAY THAT THE REEF AREA IN THE SOUTH CHINA SEA SHOWN ON MOST MAPS AS "DANGEROUS GROUNDS" IS ALL A PART OF THE PHILIPPINE CONTINENTAL SHELF. THIS IS, OF COURSE, THE SAME SEABED PEDESTAL WHICH SUPPORTS THE SPRATLYS, AND THE ARGUMENT, IF ACCEPTED, COULD LEAD BY EXTRAPOLATION TO CONFIRMATION OF THE PHILIPPINE CLAIM TO THE SPRATLYS AS WELL AS REED BANK.

CONFIDENTIAL

PAGE 03 MANILA 11535 040725Z

BANK.

8. THE PHILIPPINE LOGIC FOR IGNORING THE PALAWAN TRENCH IS PREMISED ON THE CLAIM THAT THERE ARE OTHER TRENCHES AND DEEPS IN OTHER CONTINENTAL SHELVES (INCLUDING THE U.S. ATLANTIC SHELF) WHICH ARE NOT REGARDED AS TERMINAL TO THE SHELF. THEY THEREFORE PREFER TO READ THE LANGUAGE OF THE 1958 CONVENTION AS PERMITTING THEM TO CLAIM THE

REED BANK BECAUSE ITS DEPTH "ADMITS OF THE EXPLOITATION"
OF ITS RESOURCES.

9. WE PRESUME THAT WHATEVER TRENCHES AND DEEPSEXIST IN
OTHER SHELVES ARE DEPRESSIONS WITHIN AN OTHERWISE
CONTINUOUS SHELF, OCCURING IN SUCH A PATTERN THAT BOTH
END OF THE TRENCH ARE CONTAINED WITHIN A CLEARLY RECOGNIZED
SHELF AREA. THE PALAWAN TRENCH, ON THE OTHER HAND, IS
OPEN AT BOTH ENDS AND THUS SEVERS THE PALAWAN SHELF FROM
THE DANGEROUS GROUNDS. IN SHORT, THE INTERRUPTION SEEMS
COMPLETE AND DEFINITIVE.

10. YOU WOULD BE WELL ADVISED TO HAVE EXPERT WASHINGTON
GUIDANCE ON THIS SUBJECT TO CONFIRM OUR OWN AMATEURISH
INTERPRETATION OF THE 1958 CONVENTION AND PARTICULARLY TO
PROVIDE YOU WITH COUNTERARGUMENTS TO PROBABLE ASSERTIONS
BY FILIPINOS THAT THERE ARE OTHER TRENCHES IN OTHER
SHELVES (TO INCLUDE U.S. SHELF) WHICH ARE INTERNATIONALLY
ACCEPTED AS NOT RPT NOT INTERRUPTING THE CONTINUITY OF
THAT SHELF.

11. SUGGEST DEPT TAKE INITIATIVE IN COMMENTING ON THIS
CABLE IN MESSAGE TO ARRIVE MANILA NO LATER THAN 1200 HRS,
AUGUST 5, MANILA TIME.
SULLIVAN

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